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P. Lewis
10-31-06



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

VON BORSTEL

Atty. Ref.: 1331-334; Confirmation No. 3848

Appl. No. 09/763,955

TC/A.U. 1623

Filed: February 28, 2001

Examiner: Patrick T. Lewis

For: COMPOSITIONS AND METHODS FOR TREATMENT OF MITOCHONDRIAL
DISEASES

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October 5, 2006

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE

This is in response to the Official Action mailed August 9, 2006. Claims 48-59 and 62-68 are in the case. Reconsideration is respectfully requested:

I. OBVIOUSNESS-TYPE DOUBLE PATENTING

Claims 54-59 stand provisionally rejected on obviousness-type double patenting grounds as allegedly unpatentable over claims 31, 32 and 38-41 of copending Application Serial No. 09/930,494. Applicants will consider filing a Terminal Disclaimer when otherwise allowable subject matter is indicated.